IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7687 OF 2004

Bhimrao Dattu Deokar & Ors. .. Petitioners.
Vs.
Samarth (Soregaon) Sahakari Grih Nirman Sanstha Ltd. & Others .. Respondents.

Mr.A.Y.Sakhare for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 16TH SEPTEMBER, 2004

P.C.:

. Heard Mr.Sakhare, learned senior counsel for the petitioners.

2. The contentions urged by Mr.Sakhare, learned senior counsel for the petitioners are two fold. Firstly, prior permission of the Assistant Registrar for enrolling new members was not obtained as required under the provisions of law and secondly the names of 93 members have been included in the voters list in violation of the provisions of section 27(3A) of the Maharashtra Co-operative Societies Act, 1960. I perused the petition and annexures thereto. The Returning Officer had published programme for finalising the

voters on 9.8.2004. The objections were invited between 9.8.2004 and 24.8.2004. No such objections were raised by the petitioners though they had ample opportunity to do so against the names of 93 members included in the voters list. The record further shows that the election programme was declared on 4.9.2004 starting with filing of nomination paper from 4.9.2004 to 10.9.2004. The present petition was filed on 8.9.2004. The petition apparently suffers from delay and laches. In any case no case for interference in the election process, which has commenced on 9.8.2004 is made out. The petition, therefore, fails and is dismissed as such. It is open for the petitioners to file election petition after the election process is completed.

(D.B.Bhosale, J.)